

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:07-00099

TERRELL JAMES ROSS

SUPERVISED RELEASE REVOCATION AND JUDGMENT ORDER
MEMORANDUM OPINION AND ORDER

On September 23, 2013, the United States of America appeared by Monica D. Coleman, Assistant United States Attorney, and the defendant, Terrell James Ross, appeared in person and by his counsel, Rhett H. Johnson, Assistant Federal Public Defender, for a hearing on the petition on supervised release submitted by Senior United States Probation Officer Patrick M. Fidler. The defendant commenced a five-year term of supervised release in this action on October 15, 2010, as more fully set forth in the Judgment Including Sentence Under the Sentencing Reform Act entered by the court on November 15, 2007.

The court heard the admissions of the defendant and the representations and argument of counsel.

For reasons noted on the record of this proceeding, which are ORDERED incorporated herein by reference, the court found that the defendant has violated the conditions of supervised release in the following respects: (1) the defendant used and possessed marijuana as evidenced by positive urine specimens submitted by him on October 14, 2011; May 15, June 5 and 21, July 27, August 16, October 18 and 25, December 12, 14, and 20, 2012; January 15, March 28, June 10, 18 and 27, July 10, 14, 22 and 27, and August 2, 2013; and (2) the defendant failed to abide by the special condition that he reside at Dismas Charities for a period of 60 days inasmuch as he entered the program on June 10, 2013, and was discharged on August 5, 2013, after multiple rule violations, including marijuana use; all as admitted by the defendant on the record of the hearing and as set forth in the petition on supervised release.

And the court finding, as more fully set forth on the record of the hearing, that the violations warrant revocation of supervised release and, further, that it would unduly depreciate the seriousness of the violations if supervised release were not revoked, it is ORDERED that the supervised release previously

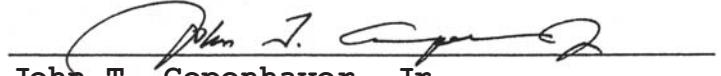
imposed upon the defendant in this action be, and it hereby is, revoked.

And the court having complied with the requirements of Rule 32(a)(1)(B) and (C) of the Federal Rules of Criminal Procedure, and finding, after considering the factors set forth in 18 U.S.C. § 3583(e), that the defendant is in need of correctional treatment which can most effectively be provided if he is confined, it is accordingly ORDERED that the defendant be, and he hereby is, committed to the custody of the United States Bureau of Prisons for imprisonment for a period of THREE (3) MONTHS, to be followed by a term of six (6) months of supervised release upon the standard conditions of supervised release now in effect in this district by order entered June 22, 2007, and the further condition that the defendant not commit another federal, state or local crime and the special condition that he make himself available for drug abuse counseling and treatment as directed by the probation officer.

The defendant was remanded to the custody of the United States Marshal.

The Clerk is directed to forward copies of this written opinion and order to the defendant, all counsel of record, the United States Probation Department, and the United States Marshal.

DATED: October 10, 2013



John T. Copenhaver, Jr.
United States District Judge